

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

01-*R*-1967

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF DERNARD
GREEN IN THE AMOUNT OF \$3,584.78
AGAINST THE CITY OF ATLANTA**

WHEREAS, DERNARD GREEN, has filed a claim against the City of Atlanta seeking damages to his vehicle; and

WHEREAS, the damage to DERNARD GREEN'S vehicle occurred when he drove over a pothole that was not properly repaired in the roadway; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

WHEREAS, the claimant has asserted damages in the amount of \$3,584.78 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of DERNARD GREEN, be settled for the sum of \$3,584.78.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,584.78 be paid by the City of Atlanta to DERNARD GREEN, in satisfaction of any and all claims he may have stemming from damages sustained to his vehicle on or about April 29, 2001, at DERNARD GREEN and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.